

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	)	
	)	Bankruptcy No. 22-10333-JCM
MICHAEL A. THOMPSON and	)	
AMBER THOMPSON,	)	
	)	Chapter 13
Debtors,	)	
	)	
UNITED STATES OF AMERICA,	)	
DEPARTMENT OF EDUCATION,	)	Hearing Date: October 17, 2023 at 10:00a
	)	
Movant,	)	
	)	
v.	)	
	)	Related to Doc. No. 54 & 62
MICHAEL A. THOMPSON and	)	
AMBER THOMPSON,	)	
Respondents	)	

**JOINT STATUS REPORT REGARDING CONSENT MOTION TO ALLOW U.S.  
DEPARTMENT OF EDUCATION TO FILE PROOF OF CLAIM OUT OF TIME**

AND NOW, come the Debtors, Michael A. Thompson and Amber Thompson, by and through their attorney, Lauren M. Lamb and Steidl and Steinberg, P.C., the United States of America, on behalf of the Department of Education ("Education"), by and through its attorneys, Eric G. Olshan, United States Attorney, and Jill Locnikar, Assistant United States Attorney, and Ronda J. Winnecour, Chapter 13 Trustee, and respectfully represent as follows:

1. On August 30, 2023 at docket number 54, Debtors and Education filed a Consent Motion to Allow U.S. Department of Education to File Proof of Claim Out of Time (hereinafter the "Motion") in which the parties requested this Honorable Court enter an Order allowing Education to file a Proof of Claim within twenty days that would be deemed timely despite the fact that the government claims bar date had passed on January 31, 2023 without the parties timely requesting an extension of time to file a claim.

2. After holding a hearing regarding the Motion on September 12, 2023, this Honorable Court entered an Order dated September 13, 2023 at docket number 62 (hereinafter the “Order”), in which Debtors, Education and the Chapter 13 Trustee were directed to provide clarification to the Court regarding certain issues discussed at the hearing.
3. The Order specifies that the parties shall provide legal support for their position that it is within the Court’s discretion to deem Education’s late claim timely and explain why the claim must be deemed timely instead of allowed. After consultation with Education, Education’s counsel has determined that, despite Plan language to the contrary, Education will consider payments made during Debtors’ Chapter 13 Plan term as qualifying payments for purposes of the Public Service Loan Forgiveness program as long as a claim is filed and deemed allowed and that a timely claim is not necessary for payments to be qualifying payments for Public Service Loan Forgiveness program purposes. As such, the parties no longer seek to have a late claim filed by Education deemed timely and it is no longer necessary to provide support for the position that the Court has the discretion to deem such a claim timely. Contemporaneous with this Status Report, Debtors and Education will file an amended Proposed Order for the Motion reflecting that the parties now seek leave for Education to file a late, allowed claim.
4. The Order also requests that the parties provide clarification as to how the prior loan servicer was receiving payments without a Proof of Claim having been filed. The Chapter 13 Trustee, per normal operating procedure, paid Federal Loan Servicing according to the confirmed amended Chapter 13 Plan dated October 18, 2022 without a Proof of Claim being filed by Federal Loan Servicing, with the first payment being distributed on January 26, 2023. A March 28, 2023 distribution to Federal Loan

servicing went uncashed and, in April of 2023, the Trustee received information that Federal Loan Servicing was released from government service. At that time, all Federal Loan Servicing debts, including the Federal Loan Servicing debt of Debtor Wife, were placed on global reserve in the Trustee system. Once the Trustee receives reliable information as to the new servicer, she will resume making payments on this loan.

WHEREFORE, the above-referenced parties respectfully file this Status Report.

Respectfully submitted,

October 5, 2023  
DATE

/s/ Lauren M. Lamb  
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October 5, 2023  
DATE

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October 5, 2023  
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